

Judge Robart

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

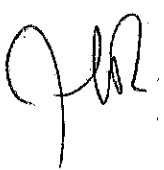
v.

RICHARD THOMAS ZIESKE,

Defendant.

NO. CR17-137JLR

~~PROPOSED~~ ORDER GRANTING
UNOPPOSED MOTION FOR A
PROTECTIVE ORDER



This matter, having come to the Court's attention on the unopposed motion of the United States for entry of a discovery protective order, and the Court, having considered the motion, and being fully advised in this matter, hereby enters the following:

1. Protected Material.

Any material designated by the Government as Protected Material shall be subject to the terms of this Order.

The United States will make available copies of the Protected Material, including those filed under seal, to defense counsel to comply with the government's discovery obligations and pursuant to the procedures set forth in this Order. Possession of copies of the Protected Material is limited to the attorneys of record, and investigators, paralegals,

1 law clerks, experts and assistants for the attorneys of record (hereinafter collectively
2 referred to as "members of the defense team") subject to the restrictions set forth below:

3 The attorneys of record and members of the defense team may review the
4 Protected Material with the Defendant. The attorneys of record and members of the
5 defense team acknowledge that providing copies (in any form) of the Protected Material
6 to the Defendant and other persons is prohibited, and agree not to duplicate or provide
7 copies of the Protected Material to the Defendant and other persons. Any violation of
8 these prohibitions constitutes a violation of the Protective Order. Nothing in this order
9 should be construed as imposing any discovery obligations on the government that are
10 different from those imposed by case law and Rule 16 of the Federal Rules of Criminal
11 Procedure.

12 2. Filing

13 Any Protected Material that is filed with the Court in connection with pre-trial
14 motions, trial, or other matter before this Court, shall be filed under seal and shall remain
15 sealed until otherwise ordered by this Court. This does not entitle either party to seal
16 their filings as a matter of course. The parties are required to comply in all respects to the
17 relevant local and federal rules of criminal procedure pertaining to the sealing of court
18 documents.

19 3. Nontermination

20 The provisions of this Order shall not terminate at the conclusion of this
21 prosecution.

22 4. Violation of Any Terms of this Order

23 Any violation of any term or condition of this Order by the Defendant, his
24 attorneys of record, any member of the defense team, or any attorney for the United
25 States Attorney's Office for the Western District of Washington, may be held in contempt
26 of court, and/or may be subject to monetary or other sanctions as deemed appropriate by
27 this Court.
28


1 If the Defendant violates any term or condition of this Order, the United States
2 reserves its right to seek a sentencing enhancement for obstruction of justice, or to file
3 any criminal charges relating to the defendant's violation.

4 5. Right to Review

5 In the event that compliance with this Order makes it difficult for defense counsel
6 to adhere to their Sixth Amendment obligations, or otherwise imposes an unworkable
7 burden on counsel, defense counsel shall bring any concerns about the terms of the Order
8 to the attention of the government. The parties shall then meet and confer with the
9 intention of finding a mutually acceptable solution. In the event that the parties cannot
10 reach such a solution, defense counsel shall have the right to bring concerns about the
11 scope or terms of the Order to the attention of the Court. The United States may also
12 seek modification of this Order.

13 The terms of this Order apply to current defense counsel, as well as to any
14 successor defense counsel and team members.

15 DATED this 27th day of Nov., 2017.

16
17 
18 HON. JAMES L. ROBART
19

20 Presented by:

21 s/ Michael Dion
22 MICHAEL DION
23
24
25
26
27
28